BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P.No. 2664 of 2002.

PETITIONER : Rudra Narayan Sinha, S/o. Shri Rameshwar Prasad Sinha, aged 41 years, Asstt. Teacher, Govt. Middle School, Sector-7, Bhilai, District Durg (C.G.)

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Through: Secretary, Education, Chhattisgarh Administration, School Education Deptt., Raipur(C.G).
2. Shri V.S.Shalwar, Under Secretary, Chhattisgarh Administration, School Education Deptt., Raipur(CG).
3. Shri Badruddin Kureshi, Minister of State, Chhattisgarh Administration, Raipur (C.G.)
4. Smt. Subhadra Singh, Corporator, Quarter No.7, Street No.18, Sector-7, Bhilai Nagar, Bhilai, Distt. Durg (C.G.)
5. District Education Officer, District - Durg (C.G.)

P.R. No. 9783/02 Presented by Shri ... dated 19-11-02

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OF MANDAMUS/CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION.

1. **PARTICULARS OF PETITIONER :**

The Petitioner is a Govt. employee working as Assistant Teacher in Govt. Middle School, Sector-7 Bhilainagar, District Durg (C.G.). He joined

..2

XI-HC-78

(125)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WP-2664/02... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

03.10.2006

Shri B.P. Mishra and Shri C.R. Sahu, Counsel for the petitioner.

Shri Satish Gupta, Dy. Govt. Advocate for the State/respondents No.1 & 5.

Shri M.P.S. Bhatia, Counsel for respondent No.4.

None for respondent No.2 (though served).

None for respondent No.3 (notice returned unserved).

Heard.

A perusal of the record would show that this Writ Petition was filed on 28/11/2002, being aggrieved with the transfer order of the petitioner dated 21/11/2002 issued by respondent No.2, transferring the petitioner from Middle School, Sector -7, Bhilai to the option of the District Education Officer, Raigarh (Annexure P-3).

The submission of learned counsel for the petitioner is that the petitioner is a victim of frequent transfers and in fact, he has been malifidely transferred from Bhilai to Raigarh on a complaint being made by respondent No.4 to respondent No.3. A copy of the complaint is filed as Annexure P-2. They further submit that even after passing of the order dated 21/11/2002, the petitioner has been shifted from one place to another many times and in this manner, he is victimized with the actions of the respondents.

A return on behalf of the State has been filed with a prayer for dismissal of the Writ Petition pleading that the impugned order of transfer of the petitioner dated 21/11/2002 has been

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..WP...2664../02 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

subsequently modified by the State authorities by another order dated 26/5/2003 and instead of going to Raigarh, the petitioner has been directed to be transferred to Govt. Middle School, Risama District – Durg. A copy of the such order issued by the State is filed as Annexure R-1. The submission of State counsel is that since the impugned transfer order has already been modified, this petition has become infructuous and the same may be dismissed.

At this stage, learned counsel for the petitioner submit that the petitioner is not happy with the above modification made in his favour by the State authorities. Though the petitioner has complied with the subsequent order, but, they pray that this petition may be disposed of, for the time being, and the petitioner may be given an opportunity to make a representation before the concerned authority raising all his grievances and further making a prayer to consider the case of the petitioner to post him either in Bhilai or in some nearby area of Bhilai and then, not to subject him to further frequent transfers.

This limited prayer made by learned counsel for the petitioner is not opposed by learned counsel for the State or learned counsel for respondent No.4.

The same is allowed.

The Writ Petition is disposed of at this stage with an observation that if so advised, the petitioner may file a detailed representation before the concerned authority regarding his frequent transfers and also regarding his returning back to the original place and if such a representation is filed along with a

XI-HC-78

(127)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P. 2664/02 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 3	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

copy of this Writ Petition and copy of this order within a period of 3 weeks from today, the concerned authority shall disposed of the same in an objective manner with reference to the grievancesraised by the petitioner, main of which appears to be the frequent transfers at the instance of political pressures. The representation shall be disposed of at the earliest preferably within a period of 3 months from the date of receipt of the same by the concerned authority by passing a reasoned order.

The petition stands finally disposed of.

In view of the above, M.(W.)P. No.1711/2002 for interim stay of the transfer order, IA No.8324/2002 for urgent hearing, I.A. No. 1231/2003 for bringing on record the subsequent events, IA No.2968/2003 for taking documents on record, IA No.1578/2004 for amendment of petition, IA No.5053/2004 for urgent hearing and IA No.2195/2006 for petitioner's rejoinder to the return of respondents No.1 & 5 stand disposed of.

Sd/-
Sunil Kumar Sinha
Judge

P.T.O.

5/10/06 5/10/06